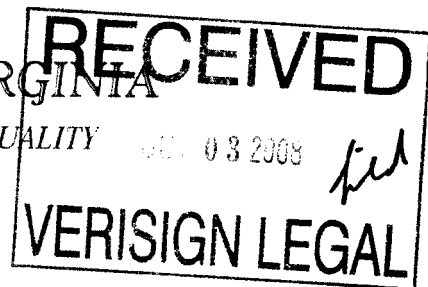




COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
www.deq.virginia.gov



**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION
ORDER BY CONSENT
ISSUED TO**

**VeriSign, Inc.
DEQ Registration Nos. 73341 & 73339**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1316.C, 10.1-1307.D and 10.1-1309, between the State Air Pollution Control Board (SAPCB) and VeriSign, Inc., for the purpose of resolving certain violations of Air Pollution Control Laws and/or regulations as specified in SECTION C of this Order.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1301 and 10.1-1184.
2. "Data Centers" means highly specialized, secure facilities that provide space and equipment to tenants to house, power, and cool the computer servers that support their business practices. Diesel engine-generator units provide emergency power to the equipment when electricity from the main power grid is unavailable.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality.
5. "Facility I" means VeriSign, Inc. (Broad Run), located at 22340 Dresden Street, Dulles, VA 20166 .
6. "Facility II" means VeriSign, Inc. (Lakeside II), located at 21345 Ridgetop Circle, Dulles, VA 20166.
7. "NOx" means Nitrogen Oxides.
8. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
9. "Order" means this document, also known as a Consent Order.
10. "Permit I" refers to the State Operating Permit ("SOP") registration number 73341 issued on December 13, 2005.
11. "Permit II" refers to the State Operating Permit ("SOP") registration number 73339 issued on December 13, 2005.
12. "Regulations" refers to the Regulations for the Control and Abatement of Air Pollution for the Commonwealth of Virginia.
13. "SOP" means State Operating Permit.
14. "VAC" means the Virginia Administrative Code.
15. "Va. Code" means the Code of Virginia (1950), as amended.
16. "VEE" means a Visible Emissions Evaluation.
17. "VeriSign" means VeriSign, Inc. a Delaware Corporation, certified to business in Virginia.

SECTION C: Findings of Fact

Facility I:

1. Facility I is a data center located in Dulles, Virginia. VeriSign leases the building, but owns the infrastructure housed therein, including the emergency diesel generators that are the subject of this Order. Facility I is subject to 9 VAC 5-80-800, 40 C.F.R. Part 60, and Virginia State Operating Permit registration number 73341, which is defined as

Permit I. The facility operates three emergency diesel generator (EDG) units manufactured by Cummins Diesel, each nominally rated at 2,082 kW electrical outputs.

2. Prior to the 2005 reclassification of the Northern Virginia Region to a severe ozone non-attainment area, the on-site EDG units did not require a permit. After the Region was reclassified, the three diesel engine generators became subject to air quality permitting since the units no longer met the exemption criteria stated in the regulations and therefore required a permit to operate.
3. DEQ staff conducted an inspection of Facility I on August 6, 2007. During the inspection, DEQ staff asked Facility I personnel for operating information, records, and other documentation that demonstrated Facility I was in compliance with all permit requirements.
4. Facility personnel failed to produce documentation on the number of hours the engines operated, fuel certifications, initial stack test reports, and Visual Emissions Evaluations for the Facility's emergency generators. Because VeriSign was unable to produce appropriate information, records, and other documentation, DEQ issued VeriSign a Notice of Violation (NOV) on August 23, 2007.
5. The August 23, 2007 NOV addressed the following violations:
 - a. VeriSign failed to conduct an initial performance test and failed to submit a testing protocol to DEQ as required by 9 VAC 5-50-30 and Permit I Condition 9.
 - b. VeriSign failed to conduct a Visible Emission Evaluations (VEE) as required by Permit I Condition 10.
 - c. VeriSign failed to provide documentation showing its compliance with the actual annual operating hours limit as required by 9 VAC 5-80-1180 and Permit I Condition 2.
 - d. VeriSign failed to provide documentation showing its compliance with Permit I Condition 3 requiring the use of approved diesel fuel with a sulfur content not exceeding 0.05% sulfur by weight.
 - e. VeriSign failed to obtain fuel certifications from their fuel supplier as required by 9 VAC 5-80-850 and Permit I Condition 5.
6. VeriSign addressed the violations in the NOV on September 4, 2007, and informed the DEQ of the actions taken as described below.
7. VeriSign emptied all fuel storage tanks at Facility I and replaced the existing fuel (with a sulfur content over 500 ppm) with ultra low sulfur diesel fuel with a sulfur content of 15 ppm in March of 2008. DEQ was provided proof of the fuel replacement in the form of a

Statement of Work between VeriSign and the fuel supplier and with a fuel delivery receipt.

8. VeriSign submitted a stack test protocol to DEQ on September 14, 2007. DEQ approved the protocol and the VEE testing. The initial stack test was conducted on October 14, 2007, and October 15, 2007, respectively.

Facility II:

9. Facility II is a data center located in Dulles, Virginia. VeriSign leases the building but owns the infrastructure housed therein, including the emergency diesel generators that are the subject of this Order. Facility II is subject to 9 VAC 5-80-800, 40 C.F.R. Part 60, and Virginia State Operating Permit registration number 73339, which is defined as Permit II. The facility operates two emergency diesel generators (EDG) units manufactured by Cummins Diesel, each nominally rated at 2,082 kW electrical outputs.
10. As was the case with Facility I, prior to the 2005 reclassification of the Northern Virginia Region to a severe ozone non-attainment area the on-site EDG units did not require a permit. After the Region was reclassified, the three diesel engine generators became subject to air quality permitting since the units no longer met the exemption criteria stated in the regulations and therefore required a permit to operate.
11. DEQ staff inspected Facility II on January 14, 2008. During the inspection, DEQ asked Facility II personnel for operating information, records, and other documentation that demonstrated VeriSign was in compliance with all the permit requirements.
12. Facility personnel failed to produce fuel certifications, an initial stack test report, and a Visual Emissions Evaluation (VEE). Because VeriSign was unable to produce appropriate information, records, and other documentation, DEQ issued VeriSign a Notice of Violation (NOV) on January 23, 2008.
13. DEQ issued an NOV on January 23, 2008, addressing the following alleged violations:
 - a. VeriSign failed to conduct an initial performance test and failed to submit a testing protocol to DEQ as required by 9 VAC 5-50-30 and Permit II Condition 9.
 - b. VeriSign failed to conduct a VEE as required by Permit Condition 10 of the facility's December 13, 2005, SOP.
 - c. VeriSign failed to provide documentation showing its compliance with Permit Condition 3 of the December 13, 2005, SOP requiring use of approved diesel fuel with a sulfur content not exceeding 0.05% sulfur by weight.
 - d. VeriSign failed to provide documentation showing its compliance with Permit Condition 4 of the December 13, 2005 SOP requiring fuel certifications from each

fuel supplier for each shipment of diesel fuel used in Facility II's emergency generators.

- e. VeriSign failed to obtain fuel certifications as required by 9 VAC 5-80-850 and Permit Condition 5 of the December 13, 2005, SOP.
14. VeriSign addressed the violations in the NOV on February 6, 2008, and informed the DEQ of the actions taken as described below.
15. VeriSign emptied all fuel storage tanks and replaced the existing fuel (with a sulfur content of over 500 ppm) with ultra low sulfur diesel with a sulfur content of 15 ppm in March of 2008. DEQ was provided proof of the fuel replacement in the form of a Statement of Work between VeriSign and the fuel supplier and with a fuel delivery receipt.
16. A stack test protocol was submitted to DEQ less than 30 days prior to testing as required by Facility II's Permit and the applicable regulations. Nonetheless, DEQ approved the protocol and the VEE testing on April 4, 2008. The initial stack test was conducted on April 9, 2008.
17. Because of flaws and deficiencies in stack testing procedures and because engine load was not accurately recorded during the testing, DEQ determined the stack test and stack test report were not adequate to demonstrate the two diesel generators were capable of operating within permit requirements. In light of these deficiencies, VeriSign must retest the engines at Facility II.
18. On May 9, 2008, VeriSign personnel met with DEQ to discuss the NOVs issued to Facility I and Facility II. Representatives from VeriSign, Stearns and Wheeler, VeriSign's Consultant and DEQ discussed the problems that led to the NOVs, and the steps that are necessary to bring Facility I and II back into compliance.
19. The corrective actions, as required in Appendix A of this Order, will better ensure that VeriSign operates in compliance with the DEQ permits and all applicable regulations.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §10.1-1316(C), the Board orders VeriSign, Inc., and VeriSign, Inc. voluntarily agrees, to perform the actions described in Appendix A of this Order.

In addition, the Board orders VeriSign, Inc., and VeriSign, Inc. voluntarily agrees to pay a civil charge in the amount of \$60,000 (sixty thousand dollars). The civil charge is due within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia" delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Either on a transmittal letter or as a notation on the check, VeriSign, Inc. shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for VeriSign, Inc.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of VeriSign, Inc., for good cause shown by VeriSign, Inc., or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violations issued to VeriSign, Inc. on August 23, 2007 and January 23, 2008. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities, whether or not arising out of the same or similar facts, for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, VeriSign, Inc. admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. VeriSign, Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. VeriSign, Inc. declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
5. Failure by VeriSign, Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the

initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

6. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
7. VeriSign, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. VeriSign, Inc. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. VeriSign, Inc. shall notify the DEQ-NRO Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which VeriSign, Inc. intends to assert will result or has resulted in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

8. Any plans, reports, schedules or specifications attached hereto or submitted by VeriSign, Inc. and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and VeriSign, Inc.. Notwithstanding the foregoing, VeriSign, Inc. agrees to be bound by any compliance date that precedes the effective date of this Order.

11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to VeriSign, Inc. or until VeriSign, Inc. petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve VeriSign, Inc. from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below, VeriSign, Inc. voluntarily agrees to the issuance of this Order.
13. The undersigned representative of VeriSign, Inc. certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind VeriSign, Inc. to this document. Any documents submitted pursuant to this Order shall also be submitted by a responsible official of VeriSign, Inc.

And it is so ORDERED this 7 day of October, 2008.



Thomas A. Faha, NRO Regional Director
Department of Environmental Quality

VeriSign, Inc. voluntarily agrees to the issuance of this Order.

By: 

Title: Chief Executive Officer

Date: October 2, 2008

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this ____ day of _____, 2008, by _____, who is
(name)

(title) of VeriSign, Inc., on behalf of the Corporation.

Notary Public

My commission expires: _____.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

On 2nd Oct 2008 before me, Frances Jennings, Notary Public

personally appeared Demetrios James Bidzos



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Frances Jennings

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Order By Consent, DEO Registration Nos. 73341 & 73339

Document Date: October 2, 2008 Number of Pages: 11

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual Chief
☒ Corporate Officer — Title(s): Executive Officer
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

VeriSign, Inc.

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

APPENDIX A

VeriSign, Inc. shall at both Facility I and Facility II:

1. VeriSign shall maintain an onsite binder containing copies of all records required under the facility's operating permit. These records shall include, but are not limited to:
 - a. Annual operating hours calculated monthly as the sum of each engine/generator set for the previous consecutive 12-month period;
 - b. Fuel certifications for each shipment to demonstrate the use of fuels is in compliance with condition 3 of the permit; and
 - c. Copies of all emission testing records and data.

These records shall be maintained on-site, along with a copy of the Facility's SOP and be made available for inspection by the Department of Environmental Quality (DEQ) and shall be current for the most recent five years. (9 VAC 5-50-50)

VeriSign, Inc. shall at Facility II (Lakeside II):

2. Conduct stack tests on one of the Facility's two diesel engines for nitrogen oxides (NO_x) to determine compliance with the emission limit contained in Condition 5A of the Permit. The compliance tests shall, at a minimum:
 - a. Be conducted at 90 percent generator load or greater;
 - b. Be performed, reported and demonstrate compliance within 60 days after the effective date of this Consent Order;
 - c. The tests shall be conducted and reported and the data reduced as set forth in 9 VAC 5-50-30. Tests shall be conducted in accordance with the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410 and according to permit requirements;
 - d. The details of the tests are to be arranged with the NRO Air Compliance Manager;
 - e. The permittee shall submit a test protocol to the NRO Air Compliance Manager within 30 days prior to testing;
 - f. The permittee shall select a stack testing company whose stack testing technicians have received accreditation by the Source Evaluation Society as Qualified Source Testing Individuals; and
 - g. One copy of the test results shall be submitted to the NRO Air Compliance Manager within 45 days of test completion and shall conform to the test report format enclosed with this Order.

Documents to be submitted to the Department, other than the civil charge payment described in Section D of this Order, shall be sent to:

NRO Air Compliance Manager
Department of Environmental Quality
13901 Crown Court
Woodbridge, VA 22193